

**Virginia Soil and Water Conservation Board
Friday, January 19, 2007
Natural Resources Conservation Service
Richmond, Virginia**

Virginia Soil and Water Conservation Board Members Present

Linda S. Campbell, Chair	Granville M. Maitland, Vice Chair
Michael Altizer	Benjamin H. Graham
Susan Taylor Hansen	Jean R. Packard
Michael Russell	Raymond L. Simms
Russell W. Baxter for Joseph H. Maroon	
Joseph H. Maroon (arrived after presentation to General Assembly)	

Virginia Soil and Water Conservation Board Members Not Present

Richard McNear	M. Denise Doetzer (present for recognition (of service award))
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DCR Staff Present

William G. Browning	David C. Dowling
Michael R. Fletcher	J. Michael Foreman
Douglas Fritz	Jack E. Frye
Lee Hill	Mark B. Meador
Jim Robinson	David Sacks
Joan Salvati	

Others Present

John Bailey, Lake of the Woods Association
Joe Lerch, Chesapeake Bay Foundation
Dave Krisnitski, Department of Game and Inland Fisheries
Gary Martel, Department of Game and Inland Fisheries
Steve Calos, Virginia Association of Soil and Water Conservation Districts
Laura Wheeling, Hampton Roads PDC

Call to Order

Chairman Campbell called the meeting to order and declared a quorum present.

Minutes of the November 15, 2006 Meeting

MOTION: Ms. Packard moved that the minutes of the November 15, 2006 meeting be approved as submitted.

SECOND: Mr. Maitland

DISCUSSION: Chairman Campbell asked that the minutes reflect that Mr. Byrne's presentation was not made on behalf of the Virginia Association of Soil and Water Conservation Districts.

Ms. Packard and Mr. Maitland accepted the amendment to the motion.

VOTE: Motion carried unanimously

Director's Report and Legislative Update

Mr. Baxter presented the Director's Report on behalf of Mr. Maroon who was addressing the Senate Capital Outlay Committee.

Mr. Baxter noted that Denise Doetzer is retiring as the State Conservationist. He said a presentation would be made to Ms. Doetzer later in the meeting.

Mr. Baxter introduced Ryan Brown who has accepted a position in the DCR Policy Office. Mr. Brown was formerly with the Office of the Attorney General.

Mr. Baxter said that with regard to HB1150 (2006 Session), the Secretary of Natural Resources has been charged with developing a strategic plan for water quality protection in Virginia. He said a draft report from the Secretary's office is expected in the near future. The plan will be available for public comment before moving forward.

Mr. Baxter said that two elements of the plan may be of particular interest to the Board. First, the priority placed on agricultural practices such as nutrient management, continuous no-till and riparian buffers. Second, an emphasis on moving erosion and sediment control programs into the 21st century. From the reviews that have been done, Virginia does not have the kinds of compliance and local programs necessary to protect water quality. The plan calls for a continued focus on improving local programs.

Mr. Baxter said that at a retreat of the Senate Agriculture and Natural Resources committee last fall, there was a presentation regarding the management of poultry litter. The General Assembly was interested in closing the loophole that allows poultry litter transported from a farm to not be tracked. Although considered, legislation to address this issue will not be submitted during this session. However, the Secretary will convene a meeting for further discussion.

Mr. Baxter called on Mr. Dowling to provide a legislative update. A copy of Mr. Dowling's update is included as Attachment #1.

Ms. Campbell noted that the Board has on occasion expressed support for legislation related to Soil and Water issues. She noted that a lack of endorsement was not negative nor does an endorsement of one bill infer a lack of endorsement for another.

Mr. Baxter noted that the Board endorsement of legislation would not automatically mean that DCR is also endorsing the same legislation.

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board express support and endorsement of Delegate Abbitt's member amendment to add an additional \$1,600,000 for Soil and Water Conservation District funding.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried with Mr. Baxter abstaining

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board endorse Delegate Whitman's member amendment to use up to \$500,000 of the Water Quality Improvement Fund to upgrade the computer system used by Soil and Water Conservation Districts for the administration and monitoring of Best Management Practices.

SECOND: Mr. Maitland

DISCUSSION: A member asked if Districts could participate in the VITA (The Virginia Information Technologies Agency) system.

Mr. Frye said that there have been discussions regarding upgrades and a better interface with the NRCS system. A working group will work with VITA to do an assessment of the entire system.

VOTE: Motion carried with Mr. Baxter abstaining

Mr. Dowling noted that the Board had previously discussed dam break inundation zone legislation. After meeting with constituent groups consensus was to hold this legislation for another year. DCR will convene constituent groups following the session to continue work on this legislation.

Dam Safety Certificates and Permits

Mr. Browning gave the report on the Dam Safety Certificates and Permits.

Compliance Issues

Mr. Browning gave the update on Compliance Issues. A copy of the update is available from DCR.

There were no recommended Board actions.

Conditional Certificates

Mr. Browning gave the following update concerning Lake of the Woods.

Class I Conditional Operation & Maintenance Certificate Issued March 16, 2006

Conditions of the Certificate

1. Construct a floodwall at the low area, right of the embankment by February 28, 2007
2. Modify the dam's existing spillway and install a new water control gate (Obermeyer Hydro Gate) by February 28, 2008.
3. Construct an auxiliary spillway using Roller Compacted Concrete (RCC) on the existing dam by June 30, 2009

Progress Report

- LOWA is on schedule for completing the construction of the floodwall by February 28, 2007.
- On November 30, 2006 a meeting among LOWA's General Manager, LOWA's consulting engineer and DCR Dam Safety Staff was held on dam site.
- At the November 30, 2006 meeting LOWA informed DCR Dam Safety Staff that they had decided to use an alternate proposal for the spillway design (Item B, of the March 16, 2006 Board stipulations & June 22, 2006 Browning letter), Dam Safety Staff has agreed that the alternate proposal concept presented complies with Item B, and is acceptable to safely pass the full PMF.
- LOWA General Manager has informed the DCR Division Director of Dam Safety and Floodplain Management in writing, that complete engineering design, plans and specifications for the selected alternate proposal to pass the full PMF will be provided to Dam Safety Staff by February 28, 2007.
- Dam Safety Staff will review the engineering design, plans and specifications submitted and will provide the Board with a report on the alternate proposal at their March 16, 2007 Meeting.

Regular Certificates

Mr. Browning presented the list of Regular Operation and Maintenance Certificate Recommendations.

15501	Ottari Scout Camp Dam #2	PULASKI	Class II Regular	1/31/2013
15702	Whippoorwill Dam	RAPPAHANNOCK	Class III Regular	1/31/2013
18704	Deer Lake Dam	WARREN	Class III Regular	1/31/2013
19901	Harwoods Mill Reservoir Dam	YORK	Class II Regular	1/31/2013

MOTION: Mr. Graham moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificate Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Construction and Alteration Permits

Mr. Browning presented the Construction and Alteration Permit recommendations.

04154	Westchester Commons BMP	CHESTERFIELD	Class III Construction	1/19/2007 – 5/31/2008
05310	Lake Jordan Dam	DINWIDDIE	Class II Alteration	1/19/2007 – 7/31/2008
06130	High Mtn.	FAUQUIER	Class III Construction	1/19/2007 – 1/31/2009
17906	Hidden Lake Dam	STAFFORD	Class II Alteration	1/19/2007 – 1/31/2009

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Extensions

Mr. Browning presented the recommended list of Extensions.

00304	Lower Ragged Mountain Dam	ALBEMARLE	Class I Conditional	11/30/2008
00305	Albemarle Dam	ALBEMARLE	Class III Conditional	9/30/2007
00356	Upper Ragged	ALBEMARLE	Class I Conditional	11/30/2008
00701	Amelia Dam	AMELIA	Class III Conditional	7/31/2007
01511	South River Dam #4	AUGUSTA	Class I Regular	7/31/2007
01904	Stoney Creek Reservoir Dam	BEDFORD	Class I Conditional	1/31/2008
01930	Elk Garden Lake Dam	BEDFORD	Class III Regular	7/31/2007
05104	White Oak Creek Dam	DICKENSON	Class II Conditional	9/30/2007
05902	Burke Lake Dam	FAIRFAX	Class I Conditional	7/31/2007
05931	Fairview Lake Dam	FAIRFAX	Class I Conditional	5/31/2007
06502	Fluvanna Ruritan Dam	FLUVANNA	Class III Conditional	7/30/2007
06515	Andersons Dam	FLUVANNA	Class III Conditional	5/31/2007
07907	Saponi Dam	GREENE	Class III Regular	7/31/2007
12501	Nelson Dam	NELSON	Class II Conditional	7/30/2007
14104	Squall Creek Dam	PATRICK	Class III Regular	5/31/2007
15322	Prince William Parkway Dam	PRINCE WILLIAM	Class I Conditional	5/31/2007
16504	Lower North River #22B Dam	ROCKINGHAM	Class II Conditional	11/30/2007
16505	Lake Shenandoah Dam	ROCKINGHAM	Class I Conditional	7/31/2007
16506	Lower North River #81C Dam	ROCKINGHAM	Class I Conditional	5/31/2007
17104	Woodstock Dam	SHENANDOAH	Class I Conditional	5/31/2007
17923	Bridle Lake Dam	STAFFORD	Class I Conditional	7/31/2007
18501	Upper Clinch River	TAZEWELL	Class I Conditional	7/31/2007

#8 Dam			
18709 Apple Mountain Lake Dam	WARREN	Class II Conditional	5/31/2007
18711 Apple Mountain Upper Lake Dam	WARREN	Class Ii Conditional	5/31/2007
68001 Scotts Mill Dam	CITY OF LYNCHBURG	Class III Conditional	5/31/2007

Mr. Browning noted that Chairman Campbell might wish to abstain from actions regarding Inventory # 16504 Lower North River #22B Dam, owned by the Shenandoah Valley SWCD and Inventory # 16506 Lower North River #81C Dam owned by the City of Harrisonburg.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the extension recommendations as presented by DCR staff with the exceptions of Inventory # 16504 Lower North River #22B Dam, owned by the Shenandoah Valley SWCD and Inventory # 16506 Lower North River #81C Dam owned by the City of Harrisonburg and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Graham

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the extension recommendations for Inventory # 16504 Lower North River #22B Dam, owned by the Shenandoah Valley SWCD and Inventory # 16506 Lower North River #81C Dam owned by the City of Harrisonburg as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

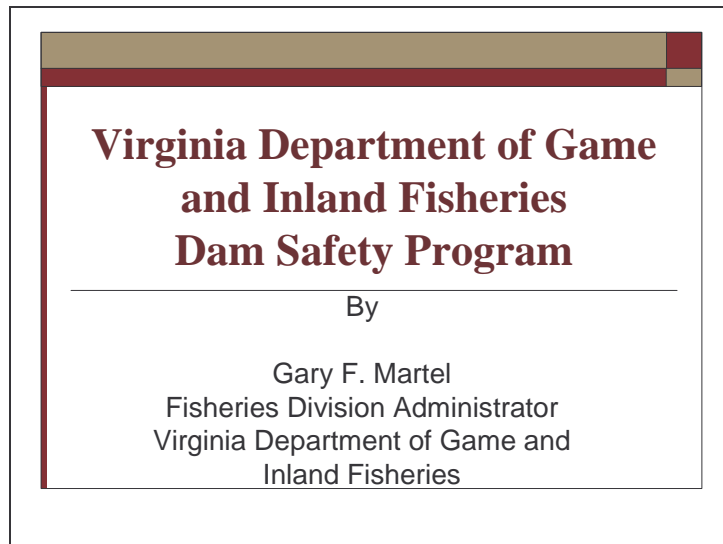
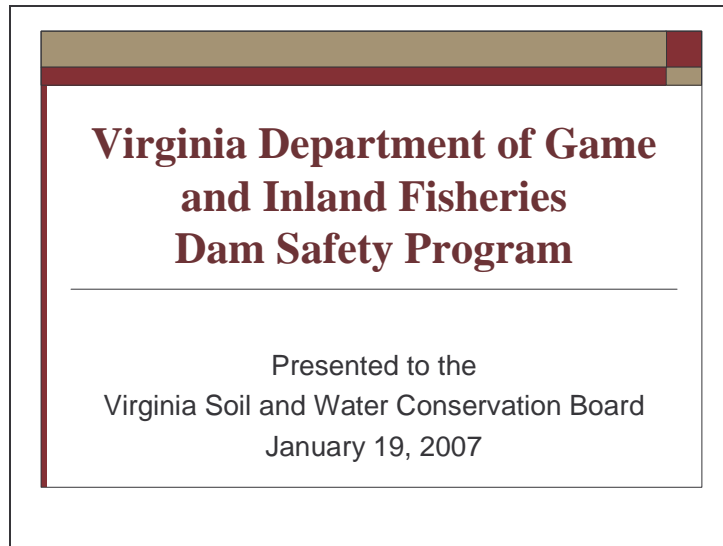
SECOND: Mr. Graham

DISCUSSION: Ms. Campbell said that she would abstain from this action.

VOTE: Motion carried with Ms. Campbell abstaining

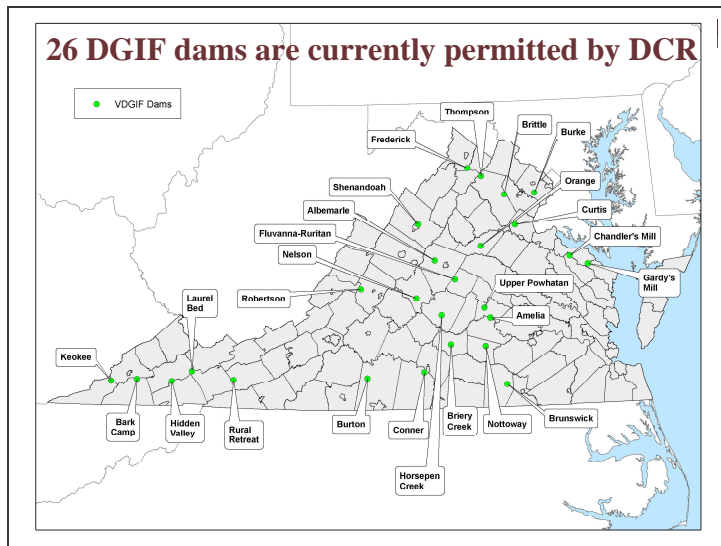
Presentation on DGIF Owned Dams

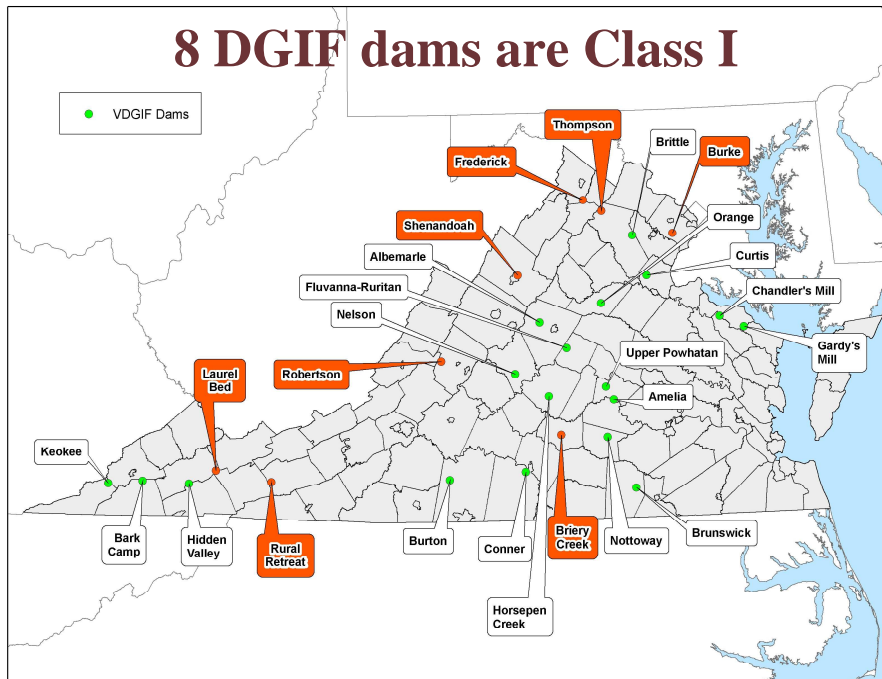
Mr. Gary Martel, DGIF gave the following PowerPoint presentation.



DGIF Dam Safety Program

- The Department of Game and Inland Fisheries is the largest single owner of dams in Virginia with 55 impoundments.





Chairman Campbell thanked Mr. Martel for the presentation. She said that looking at a long range plan for correcting efficiencies is very appropriate and said that DGIF should work with DCR staff as appropriate for when the information is brought forward to the Board. She said the Board appreciated Mr. Martel's understanding that DCR and the Board must treat all dam owners equally.

Mr. Maitland asked how many of the 55 dams were being affected by upstream development.

Mr. Martel said that most of the issues with these dams were downstream.

Presentation to State Conservationist Denise Doetzer

On behalf of the Board, Chairman Campbell presented a plaque of appreciation to Ms. Denise Doetzer. Ms. Doetzer is retiring from her position as State Conservationist with NRCS.

Soil and Water Conservation District Related Topics

Mr. Meador presented the list of District Director resignations and appointments.

New River

Resignation of James Osborne, Grayson County, effective 8/31/06, appointed Extension Agent director position (term of office expires 1/1/09).

Recommendation of Kevin Spurlin, Grayson County, to fill unexpired Extension Agent term of James Osborne (term of office to begin on or before 2/18/07 – 1/1/09).

- MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board approve the list of SWCD Director resignations and appointments as submitted.
- SECOND: Mr. Simms
- DISCUSSION: None
- VOTE: Motion carried unanimously

Mr. Meador informed the Board that 239 elected Director positions will be on the ballot in November. DCR is responsible for the appropriate public notification of those elections.

Mr. Meador said there is a significant cost associated with the notices. The estimated cost will be around \$40,000. DCR has been having discussions with the State Board of Elections to seek ways to minimize the cost.

Mr. Meador provided members with a copy of the Board funding policy. The policy states that the Board will review the document each year prior to June 1st.

Mr. Meador said that it would be appropriate to address this at the March meeting following any General Assembly action regarding funding.

Mr. Meador said that DCR has grant agreements in place with each of the 47 Districts. He said that according to policy the Board will need to review the list of deliverables prior to June 1st.

Mr. Russell asked about the modification of Attachment A to the Board Financial Policy.

Ms. Campbell said that the Board had agreed not to act until the issue of additional funding was resolved.

Erosion and Sediment Control Program

Mr. Hill gave an update on the Erosion and Sediment Control Program. He distributed a handout entitled "Local Program Review (LPR) Tracking Database Elements. A copy of that handout is available from DCR.

Mr. Hill said the handout showed the 37 areas that staff tracks with each program. This information will be compiled into an interactive database that will be accessible by regional offices. The information contained within the database will be available on the DCR website.

2007 Annual Standards and Specifications for Utility Companies

MOTION: Ms. Hansen moved the following:

The VSWCB receives the staff update concerning the review of the 2007 annual standards and specifications for electric, natural gas, telecommunications and railroad companies. The Board concurs with staff recommendations for conditional approvals of the 2007 specifications and the request for variances for the utility companies listed below in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications and the request for variances.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2007 must be submitted by April 6, 2007. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to April 6, 2007 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov. The information to be provided is name, contact information and certification number.

4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

Variations were requested for Minimum Standard 16.a and Minimum Standard 16.b. The responses to the requests for the variations are as follows:

1. Minimum Standard 16.a: The project may have more than 500 linear feet of trench length opened at one time provided that all trenches in excess of 500 feet in length are adequately backfilled, seeded and mulched at the end of each work day and adjacent property and the environment are protected from erosion and sediment damage associated with the regulated land disturbing activity.
2. Minimum Standard 16.b: The variance to this criteria is not necessary due to Minimum Standard 16.f which allows applicable safety regulations to supercede the Virginia Erosion and Sediment Control Regulations.

Companies recommended for conditional approval with the 4 conditions are:

Electric: Allegheny Power, Dominion Virginia Power Electric Transmission, Virginia Association of Electric Cooperatives

Gas: Colonial Pipeline, Roanoke Gas, Transco/Williams Gas

Companies recommended for conditional approval with the 4 conditions and the variance request for Minimum Standard 16.a are:

Electric: American Electric Power

Railroad: Norfolk Southern Railroad

Companies recommended for conditional approval with the 4 conditions and the variance requests for Minimum Standard 16.a and 16.b are:

Electric: Dominion Electric Distribution

Gas: Columbia Gas Transmission

Telecommunications: Virginia Telecommunications Industry Association

SECOND: Mr. Graham

DISCUSSION: Mr. Graham asked if these were all underground projects.

Mr. Hill said the companies were digging trenches. The only ones not all underground are electric.

Mr. Simms asked who had the oversight for gas companies.

Mr. Hill said that for the purposes of erosion and sediment issues, DCR had the oversight.

VOTE: Motion carried unanimously

City of Bristol's Proposed Alternative Inspection Program

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendation regarding the proposed Alternative Inspection Program for the City of Bristol and further that the Board concurs with the staff recommendation and accepts the City of Bristol's proposed Alternative Inspection Program for review and future action at the next Board meeting.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

Stormwater Management Programs

Mr. Hill said that DCR has issued 1245 permits. Permit issuance is up over 12% from the previous year.

Update on the Regulatory Process

Mr. Dowling said that staff had been working on the draft document in preparation of sending it to EPA for comment. That was accomplished in December. DCR hopes to have a response by mid-February.

Mr. Dowling said there were questions raised regarding the achievability of the program. At the advice of the TAC, DCR is contracting with the Center for Watershed Protection to study the concerns.

Update MS4 Large/Medium Individual Permits

Mr. Fritz gave the following presentation.

Municipal Separate Storm Sewer Permits

The Reissuance of Six Phase I
Hampton Roads Community Permits

What Do These Permits Cover?

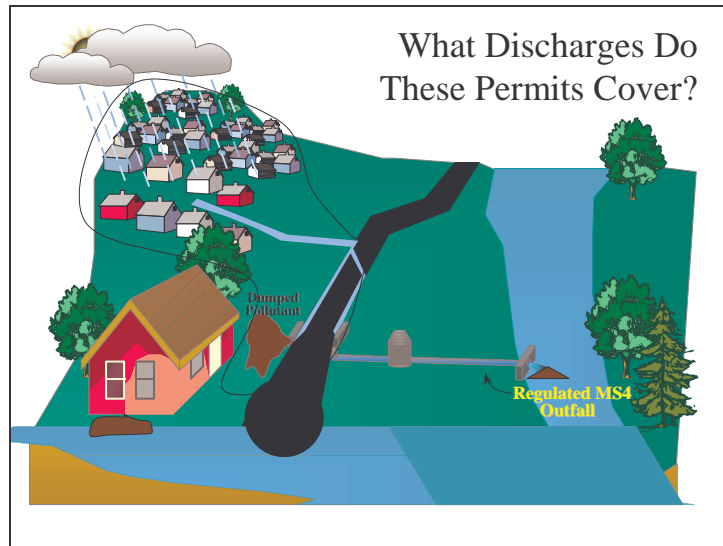
"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

- Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under §208 of the CWA that discharges to surface waters;
- Designed or used for collecting or conveying stormwater;
- That is not a combined sewer; and
- That is not part of a publicly owned treatment works.

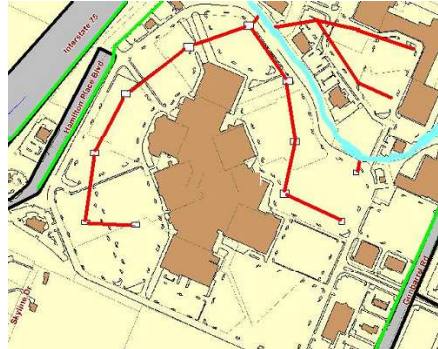
4VAC50-60-10. Definitions.

What Regulatory Authority Does DCR Have To Issue These Permits?

- 4VAC50-60-310. Prohibitions.
“Except in compliance with a **VSMP permit** issued by the board pursuant to Article 1.1 (§10.1-603.1 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia, it shall be unlawful for any person to **discharge stormwater into state waters** from Municipal Separate Storm Sewer Systems or land-disturbing activities.
- Permits must be reissued every five years.



A Specific Example Of What Is Not Regulated Under MS4 Permits



- Red infrastructure is privately owned and drains directly to a receiving water
- Green infrastructure is the MS4 by definition

Which Individual MS4 Permits Are Being Reissued At This Time?

- City of Chesapeake
 - City of Norfolk
 - City of Hampton
 - City of Portsmouth
 - City of Newport News
 - City of Virginia Beach
-
- County of Arlington (2007)
 - County of Henrico (2008)
 - County of Chesterfield (2008)
 - County of Prince William (2008)
 - County of Fairfax (2007)

What Are The Major Changes From The Previous Permits?

- Clarify and include definitions in the permits
- Clarification in the meaning of "Maximum Extent Practicable (MEP)"
- Permits contain more specific language including language to address deficiencies found during 2005 EPA/DCR Joint Statewide Audits
- Application of water quality standards regarding impaired waters
- Discharge authorization to specified watersheds instead of individual receiving waters
- Monitoring requirements placed into the permit

The Permit Language Is More Specific

The permittee shall maintain existing programs designed to reduce impacts on receiving waters from the operation and maintenance of public streets, roads and highways

Becomes

BMP-3: Roadways. Public streets, roads, and highways maintained by the permittee shall be **operated and maintained in a manner to minimize discharge of pollutants**, including those pollutants related to deicing or sanding activities.

- 1) The permittee shall provide **training to appropriate staff** in good housekeeping and pollution prevention practices that are to be employed during road, street, and highway maintenance. Documentation of all training events shall be included in the MS4 Program Plan and summarized in annual reports.
- 2) **Good housekeeping and pollution prevention practices** shall be practiced and employed during road, street and highway maintenance.
- 3) **Materials** utilized for deicing activities shall remain **covered from precipitation** until application.
- 4) The permittee shall **sample material collected as a result of street sweeping activities** to determine its composition in order to assist in the estimate of pollutant load reduction attributable to the street sweeping operation.
 - (a) During PY1, the permittee shall develop the sampling protocol. The sampling protocol shall take into account time of year and deicing activities.
 - (b) During PY2 and PY3, the permittee shall implement the street sweeping collections sampling protocol. An interim report of the findings shall be included in the PY2 annual report. The final report shall be included in the PY3 report.
 - (c) As part of the PY3 Annual Report, the permittee shall provide a quantitative characterization of the sweepings collected and their relationship to the pollutants listed in Table V. The permittee shall provide a cost estimate of pollutant removal per pound of each pollutant as it applies to the street sweeping operation.

Discharges to Specific Watersheds Are Identified

The authorizes discharge from the MS4 outfalls to all surface waters in specific Virginia Hydrologic 6th Order Unit (VAHU6) Watersheds.

For example, Norfolk is authorized to discharge to:

<u>VAHU6</u>	<u>VAHU6 Name</u>
JL50	Hampton Roads-Streeter Creek
JL53	Southern Branch Elizabeth River-Deep Creek
JL55	Western Branch Elizabeth River
JL56	Elizabeth River-Lafayette River
JL59	Hampton Roads Channel

Rationale

- Provides for consistency with the National Watershed Boundary Dataset
- Provides for ability to look at BMP implementation at an inter-jurisdictional level
- Provides authorization for all outfalls within jurisdictional boundary

The Permits Establish Consistency with Updated EPA Guidance

- Maximum Extent Practicable (MEP) is established as the technological minimum that must be implemented for discharges to non-impaired waters. (Technology Based Standards)
- Permit requires additional conditions above and beyond Maximum Extent Practicable when the MS4 discharges to impaired waters. (Water Quality Based Standards)
- *"It is clear that EPA intends all municipal dischargers to achieve both technology based and water quality based limits. Because water quality standards are generally more stringent than technology based standards, the former will generally serve as the minimum floor for discharges"*
- *"Therefore, the plain statutory language coupled with EPA's background document . . . require that Phase I MS4 Permittees comply with both water quality standards and the MEP standard so that discharges must achieve the more stringent limitation."*

- EPA Region III Guidance Memo Excerpts

The Permits Have New Monitoring Requirements

- Regulations require a program assessment based on pollutant removal
- Permit allows for the replacement of ineffective BMPs
- Permittee has flexibility in developing program (2 of 3)
 - Quantitative
 - Qualitative
 - Ambient Bioassessment
- Monitoring program aimed at measuring improvements and trends based on the permittee's own program.
- More stringent monitoring requirements for discharges to impaired waters and / or when TMDL waste load allocations have been assigned to permittee
- Necessary to document reduction in discharge of pollutant concern
- Consistent with [EPA's Interim Permitting Approach for Water Quality-Based Effluent Limitations in Stormwater Permits](#)
- Requirement will be similar for all Phase I permittees

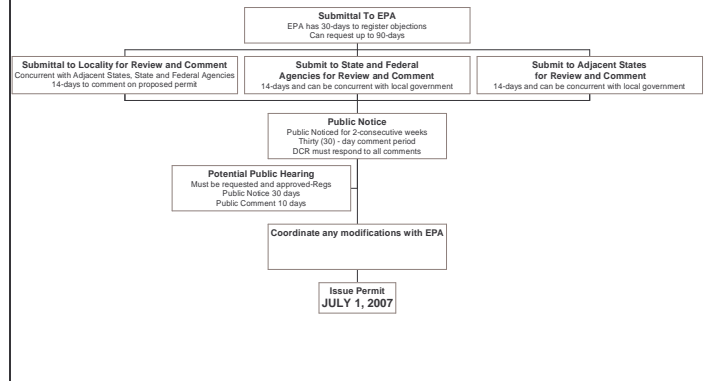
Other Virginia MS4 Phase I Permittees Have Established Monitoring Programs

- Arlington County
 - Watershed monitoring (Donaldson Run, Four Mile Run), Bioassessment Monitoring, Floatables Monitoring
- Chesterfield County
 - Volunteer Lake Monitoring (6 lakes), Watershed Assessments, Bioassessment Monitoring, Monthly Water Quality Monitoring
- Fairfax County
 - Bioassessment Monitoring, Bacteria Monitoring, Wet Weather Water Quality Monitoring
- Henrico County
 - Bioassessment Monitoring (5 streams)
- Prince William County
 - Water Quality Monitoring (Quarterly on 5 streams), In-stream Water Quality Samples Near a Major Development, Future Bacterial Source Tracking for Eight Streams

The Permits Coordinated With Other State Regulations

- Consistency with Virginia Erosion and Sediment Control Law and Regulations
- Consistency with Virginia Stormwater Management Act and Regulations
 - The consolidation of stormwater regulations under HB1177 eliminated the necessity for permit references to the Chesapeake Bay Preservation Act stormwater requirements
- Assurance that Virginia Pesticide Control Act regarding training requirements are met
- Compliance with the State Water Control Law

Time Schedule



Partner Agency Reports

Department of Conservation and Recreation

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy is included as Attachment #2.

Natural Resource Conservation Service

A copy of the NRCS report is included as Attachment # 3.

Public Comment

There was no public comment.

Agriculture Stewardship Act Appeal Informal Fact Finding Proceeding

Following a break for lunch, the Board reconvened for the informal fact finding related to an appeal to the Board under the Agricultural Stewardship Act. Minutes for that session are available from DCR.

Next Meeting

The next meeting of the Virginia Soil and Water Conservation Board will be Thursday, March 15, 2007. The location is to be determined.

Adjourn

Being no further business, the meeting was adjourned.

Respectfully submitted,

Linda S. Campbell
Chair

Joseph H. Maroon
Director

Attachment #1

2007 General Assembly Update
Soil and Water Conservation Board
January 19, 2007

I. Proposed Legislation

Water Quality

HB1710 and SB771 Public Building Authority; authorized to issue bonds for water treatment. (Delegates Callahan and Lingamfelter and Senators Chichester, Quayle and Stosch)
Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$250 million for grants to be used solely for the purpose of funding the installation of nutrient removal technologies at specified publicly owned treatment works to implement the Commonwealth's Chesapeake Bay Tributary Strategies.
House Appropriations subcommittee on Commerce, Agriculture, and Natural Resources
Senate Finance

HB2568 and SB821 Erosion and sediment control; violation of ordinances. (Delegate Shannon and Senator DeVolites Davis)
The bill proposes to change the range of the civil penalty to a range between \$0 and \$1000 for any one violation including the commencement of land-disturbing activities. The civil penalty is presently \$100 for any one violation except that the penalty for commencing land-disturbing activities without an approved plan is \$1000.
[Seeking amendment to set range from \$100 to \$1000 and to restore the \$1000 penalty for commencing land-disturbing activities without an approved plan.]
House Agriculture, Chesapeake and Natural Resources
Senate Agriculture, Conservation and Natural Resources

HB2180 Stormwater inspectors; removes certification required by Department of Environmental Quality. (Delegate Saxman)
Removes the E&S certification of stormwater inspectors required by the Department of Environmental Quality. This requirement is no longer needed because much of the stormwater program has been transferred to the Department of Conservation and Recreation.
House Floor

HB2663 Pesticides and fertilizers; prohibits providers of lawn care services from applying to streets, etc. (Delegate Marsden)
Prohibits commercial providers of lawn care services from broadly applying pesticides and fertilizers onto impervious surfaces such as streets and driveways.
House Agriculture, Chesapeake and Natural Resources

SB1061 Local regulation of fertilizer. (Senator Watkins)

Prohibits localities from regulating the registration, packaging, labeling, sale, storage, distribution, use, or application of fertilizers more stringently than the U.S. Environmental Protection Agency or the Department of Environmental Quality.

Senate Agriculture, Conservation and Natural Resources

Biosolids

(NOTE: House Public Hearing Tuesday, January 23, 2007)

HB2079 and SB1339 Sewage sludge; consolidates program that regulates application thereof.

(Delegates Wittman, Abbitt, Byron and Hogan and Senators Newman and Hawkins)

Consolidates the program that regulates the application of biosolids (sewage sludge) under one agency, the Department of Environmental Quality (DEQ). Currently, the responsibility for regulation of the land application of biosolids is split between DEQ and the Department of Health. The bill also requires the on-site presence of state or local officials when biosolids are being applied and assesses a fee of \$7.50 on each dry ton of sewage sludge applied in the Commonwealth. The bill becomes effective provided that adequate funds have been appropriated and adequate positions have been authorized to administer the program.

House Agriculture, Chesapeake and Natural Resources

Senate Agriculture, Conservation and Natural Resources

HB2802 Land application of biosolids; consolidated to be under only Department of

Environmental Quality. (Delegates Byron, Abbitt, Putney and Wittman and Senator: Newman)

Consolidates the program that regulates the application of biosolids (sewage sludge) under one agency, the Department of Environmental Quality (DEQ). Currently, the responsibility for regulation of the land application of biosolids is split between DEQ and the Department of Health.
House Agriculture, Chesapeake and Natural Resources

HB2801 and SB1313 Sewage sludge; requires local government certify that site thereof in compliance with ordinances. (Delegates Byron, Abbitt, Hogan, Putney and Wittman and

Senators: Hawkins and Newman)

Requires that the local government certify as part of the state permit application to land apply sewage sludge that the site of the proposed spreading of sewage sludge is in compliance with all local ordinances. The bill also gives localities the authority to adopt an ordinance that reasonably restricts the land application of sewage sludge to certain areas or parcels based on public health, welfare, or safety criteria. The Department of Environmental Quality or the Department of Health permit application filled out by the person applying the sewage sludge is not considered complete until there is such local certification.

House Agriculture, Chesapeake and Natural Resources

Senate Agriculture, Conservation and Natural Resources

HJ694 Biosolids; panel of experts to study impact of land application thereof. (Delegates

Byron, Abbitt and Wittman and Senator: Newman)

Requests the Secretary of Natural Resources and the Secretary of Health and Human Resources to convene a panel of experts to study the impact of land application of biosolids (sewage sludge) on human health and the environment

House Rules

SB1300 Storage of sewage sludge. (Senator Newman; Delegates: Abbitt, Byron, Cline, Hogan and Putney)

Provides that a locality may adopt an ordinance that requires that a special exception or a special use permit be obtained for the routine storage or temporary storage of sewage sludge in its jurisdiction, including any area that is zoned as an agricultural district or classification. No person shall apply to the State Health Commissioner or the State Water Control Board for a permit or a permit modification authorizing such storage without first complying with all requirements that may be adopted by a locality. Furthermore, this bill provides that the Board of Health and the Department of Environmental Quality will promulgate regulations consistent with the bill's provisions.

Senate Agriculture, Conservation and Natural Resources

Dam Safety & Floodplain Management

(NOTE: Dam break inundation zone bill – Not advanced this Session)

HB2710 Dams and related facilities; service districts to construct, repair, and maintain.

(Delegate Barlow)

Grants the power to construct, repair, and maintain dams through Service Districts.

House Counties, Cities and Towns

HB2779 Haley's Mill Pond Dam; Virginia Department of Transportation to repair dam in Middlesex County. (Delegate Morgan)

Directs the Virginia Department of Transportation to repair the Haley's Mill Pond Dam and that portion of Virginia Route 629 thereon in Middlesex County.

House Transportation

HB2729 FEMA floodplain map; notification of changes. (Delegates Englin, Amundson, Jones, D.C., Kilgore, McClellan, McEachin, Sickles and Tyler)

Provides that any locality notified by the United States Federal Emergency Management Agency (FEMA) that a change in the FEMA floodplain map concerns or relates to real property within the locality shall provide to each owner of any such property (i) written notification of such change as it concerns or relates to such property and (ii) any other relevant information FEMA provided to the locality that concerns or relates to such property.

House Counties, Cities and Towns

Land Conservation

HB 2825 and SB942 Land Conservation Fund; disbursement of moneys. (Delegate Ware and Senator Ticer) [Agency bill]

Establishes a threshold that determines how the unrestricted funds in the Virginia Land Conservation Fund will be expended. If, by September, the new deposits in the Fund are less than \$10 million, 25% of the moneys in the Fund is allocated to the Open-Space Land Preservation Trust (OSLPTF) Fund and 75% is disbursed in the form of grants equally among the following four uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmlands and forest preservation, and historic area preservation. If the Fund contains \$10 million or more, the OSLPTF receives 25 % of the moneys in the Fund and the remaining funds are awarded equally in the form of grants among five uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmland preservation, forestland conservation, and historic area preservation. Any OSLPTF funds not disbursed or committed to a project by the end of the fiscal year reverts to the Virginia Land Conservation Fund to be redistributed among the authorized grant uses.

House Agriculture, Chesapeake and Natural Resources
Senate Floor

HJ576, HJ692, and SJ401 Open-space & Farmlands; Joint Subcommittee Studying Funding Sources for Purchase of Development Rights. (Delegates Lewis and Cline and Senator Hanger)

Continues for an additional year the joint subcommittee studying long-term funding sources for the purchase of development rights to preserve open-space land and farmlands.

House Rules

HB1819 Private land; no takings for purpose of conservation. (Delegate Suit)

Prohibits the taking of private land for the purpose of conservation.

House Courts of Justice subcommittee: Civil Law

HB1713, HB2694 and SB1211 Virginia Resources Authority; expands projects that can be financed to include land conservation and preservation. (Delegates Lewis and Cline and Senator Hanger)

Expands projects that can be financed through the Authority to include programs or projects for land conservation or land preservation.

Expands projects that can be financed through the Authority to include programs or projects for land conservation or land preservation.

House Agriculture, Chesapeake and Natural Resources

Senate General Laws and Technology

HB2191 Land preservation tax credit; maximum amount allowed annually. (Delegate Hull)

Requires the maximum \$100 million amount allowed annually for the land preservation tax credit to increase each calendar year by \$2.5 million in 2008 until it reaches \$112.5 million in 2012.

House Finance

HB 2226 Land conservation income tax credits; removes annual inflation indexing.

(Delegates Wardrup and Hull)

Removes the annual inflation indexing that would have increased, beginning in 2008, the \$100 million total cap on the amount of land conservation income tax credits that may be issued by the Department of Taxation annually.

House Finance

SJ358 Northern Virginia land preservation; Department of Conservation & Recreation & task force to study. (Senators Ticer, Herring, Howell and Puller; Delegates: Albo, Bulova, Caputo, Ebbin, Englin, Marsden, Moran, Plum, Rust, Scott, J.M. and Watts)

Requests the Department of Conservation and Recreation and a DCR appointed task force to develop a plan to obtain undeveloped land in Northern Virginia for parks and the protection of potable water resources.

Senate Rules

SJ396 Study; Northern Virginia parkland; report. (Senator Ticer)

Requests the Governor to establish a task force to work with the Department of Conservation and Recreation to study land preservation, water supply protection, and the availability of large parks to serve future generations in Northern Virginia.

Senate Rules

DCR bills

HB2143 State parks; reduces penalty for violating regulations. (Delegate Kilgore)

Reduces the penalty for violating Virginia state park regulations from a Class 1 misdemeanor to a Class 3 misdemeanor.

House Agriculture, Chesapeake and Natural Resources

HB2229 Impaired Waters Clean-up Plan Report; consolidation of various reports into. (Delegate Lewis)

Consolidates the Tributary Strategy Implementation Report, the Watershed Planning and Permitting Report, the Nonpoint Source Pollution, and the Water Quality Improvement Fund Annual Report into the Impaired Waters Clean-up Plan Report. This bill also eliminates the the Conservation Resources Fund quarterly report and the annual Conservation, Small Watersheds Flood Control and Area Development Fund report.

House Agriculture, Chesapeake and Natural Resources

SB 1115 Sale of trees and timber. (Senator Quayle)

Places the proceeds from sale of the timber and trees taken from (i) state park lands into the State Park Conservation Resources Fund and (ii) natural area preserves into the Natural Area Preservation Fund. The bill also requires competitive bids when the appraised value of the trees is more than \$25,000. Currently, the threshold for competitive bidding is \$10,000.

Senate Agriculture, Conservation and Natural Resources

II. *The Governor's Proposed Budget*

- **Operating Budget:** according to proposals included in Governor Kaine's Budget, introduced on December 15, 2006, DCR's operating budget for the biennium would receive approximately \$22 million and two FTEs for the agency's use. Items addressed in the operating budget include:
 - Dam Safety Engineers - Provides funding (\$352,377 GF) for three dam safety engineers to evaluate and determine the status of dams and to improve the Department's ability to implement new regulations. However, no additional FTEs were provided.
 - Repair of Soil and Water Conservation District Dams - Provides one-time funds (\$616,000 GF) to match federal grants to repair dams owned and operated by local Soil and Water Conservation Districts. These dams, like many others statewide, have been impacted by development within the break zone below the dam. As a result, structural changes are needed to maintain and operate the dams safely.
 - Water Quality Improvement Fund - \$7,500,000 GF to be deposited into the fund during FY 2007 to provide cost share monies and matching grants for controlling nonpoint source pollution. Of this amount, \$3.8 million is from Virginia's mandatory deposit from the budget surplus. The expectation is that these funds will be spent in FY 2007 and beyond. Of the total amount deposited, \$199,605 is required by state law to be held in the reserve account for the Virginia Water Quality Improvement Fund for use in later years.
 - Land Conservation Initiative – The Governor's overall land conservation package includes a total of \$19,749,040 and 4 new FTEs in support of the Governor's Land Conservation Goals
 - \$ 13.7 million will be provided to DCR for the Virginia Land Conservation Fund for making matching grants to protect land through conservation easements and acquisitions;
 - \$198,040 and 2 FTE to DCR for land conservation efforts (one of the two FTEs will be switched to non-general funding effective FY 2008);
 - \$5 million (of the \$ 19.7M) will be transferred to the Virginia Department of Agriculture and Consumer Services for the Office of Farmland Preservation;
 - \$950,000 in one-time support will be provided to the Virginia Outdoors Foundation for additional staff to help with land conservation donations; and
 - \$151,920 and 2 FTE provided will be transferred to the Department of Historic Resources for their land conservation efforts.
 - This funding is in addition to the \$2.5 million annual deposit to the Virginia Land Conservation Fund in DCR's base budget for each year of the biennium.
 - State Park Equipment Needs - Adds one-time funding (\$198,039 GF) for maintenance equipment at new park facilities and for replacement of vehicles, such

as four-wheel drive vehicles, pick-up trucks, and dump trucks that are more than 10 years old, have high mileage, and are incurring high maintenance costs. Funds will also be used to replace tractors, mowers, and other equipment that are beyond their useful lifespan.

- **Capital Budget:** the Governor's proposed budget would increase DCR's capital budget by \$15 million in order to address completion of capital projects initiated as a result of the 2002 State Park General Obligation Bond. This supplemental funding was needed as a result of cost escalations in bond construction projects due to the rising costs of construction materials and to enable DCR to build a full complement of cabins at certain parks.

House Member Water Quality Amendments

Delegates Armstrong and Abbitt - \$1,500,000 GF for SWCD's to map dam break inundation zones.

Delegate Wittman - \$500,000 NGF to modernize BMP data management system

Delegate Abbitt - \$1,600,000 GF to rebenchmark Districts

Delegate Abbitt - \$173,000 GF for nutrient management planners associated with Biosolids program transfer to DEQ

Attachment #2

**Department of Conservation and Recreation
Report to the Virginia Soil and Water Conservation Board
January 19, 2007**

1. DCR/SWCD Operational Funding

All 47 SWCDs have endorsed a grant agreement with DCR for Operational funding this fiscal year ('07).

This fiscal year (FY07), operational funding for all districts totals \$4,052,240. The total amount is the same as FY06 operational funding, however, FY07 funding is still roughly 6% less than the peak funding level experienced by districts in FY01, (\$4,301,000).

2. Employee Development

The conservation partners continue to work through the "JED" – Joint Employee Development system which relies on 4 regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff. The state level (JED) team has been meeting face to face, or through conference calls roughly every other month since August. The next conference call is scheduled January 31st, 2007.

The need to effectively collaborate among conservation partners is especially important with the addition of SWCD technical staff thanks to the \$2 million dollars appropriated by General Assembly this fiscal year and next. The additional SWCD technical staff will focus on implementation of agricultural BMPs. Training plans for newly employed staff are critical to rapidly advancing the "KSA" (knowledge, skills and abilities) they will need to effectively perform their work activities.

Two "core" courses were scheduled in November. To accommodate SWCD technical staff SWCDs are continuing to employ over the next few months and with expectations of filling every one of the 40 seats the course will accommodate, the Conservation Orientation for New Employers has been moved for delivery to February 26 through March 2, 2007. The Conservation Selling Skills course was held at the American Frontier Culture Museum near Staunton on November 1st and 2nd. Twenty-four employees of conservation partner agencies (primarily SWCDs) attended the session and provided excellent evaluations of the course. Further training needs continue to be assessed regionally through the 4 regional JED teams.

3. SWCD Dams:

The SWCD dam owner work group continues to meet and work on specific dam issues among districts. The last meeting was held on October 26, 2006 in Charlottesville at the DOF state headquarters. The focus of that session pertained to Emergency Action Plans. Attendance and participation by the group was very good with 10 of the 12 SWCDs owning dams having one or more representatives at the session. Now that most of the training needs of the group have been addressed, a quarterly meeting frequency is scheduled. Of the roughly 4 meetings per year, one will address Emergency Action Plans, another will address routine maintenance of district dams

and the remaining two meetings will address priority topics identified by the group. The group will meet again on February 15, 2007.

4. Agricultural BMP Cost-Share Program:

The availability of the new 3 year contract practices and the increased financial allocations for BMPs continue to have major impacts on the current, 2007 program year. Emphasis this year (that began July 1, 2006) is being placed on advancing farmer implementation of 5 agricultural conservation priorities. The priorities in no particular order are: livestock exclusion from state waters; vegetative riparian buffers; implementation of nutrient management plans; plantings of cover crops; and continuous no-till. Each SWCD received three different categories of cost-share financial allocations, with guidance as to which specific BMPs may be implemented for each allocation category.

Expected increases in practical implementation and the introduction of contract BMPs necessitated development of a contract practice tracking program. The long standing BMP tracking program was migrated to Visual Basic and MY SQL to facilitate increased database processing speed and multi user capabilities. Both programs have been issued and districts across the state are entering program data. A second round of Agricultural BMP cost-share program training was delivered to SWCDs during the last week in September and the first week in October. Addressing questions about new and changed practice specifications and data entry into the tracking programs were major topics during trainings.

5. Conservation Reserve Enhancement Program (CREP):

New state CREP cost-share caps have stimulated interest in CREP enrollment. With less than twelve months of guaranteed enrollment left, the push to signup CREP participants continues to be paramount. However, increases in state cost-share, and EQIP signup continue to compete for applicants. Given these circumstances, 3 programs are scheduled as follows: January 30, Wytheville; January 31, Charlottesville; February 1, Petersburg. Staff of conservation partner agencies are encouraged to attend one of these programs. Representatives from DCR, FSA, NRCS, and DOF will share the latest program information and updates and encourage field staff to give priority to enrolling participants until the program goals are achieved.

A revision of previously issued guidance on CREP buffering of sinkholes was reissued in Augusta. These changes clarified under what conditions entire fields of karst features could be enrolled in CREP. The changes are expected to further stimulate signup of the Southern Rivers basins.

Effective January 1, 2007 DCR doubled the financial incentive for landowners that choose to establish perpetual CREP conservation easements. Prior to that date, the incentive payment had been \$500 per acre. The payment rate is now \$1,000 per acre and DCR continues to reimburse participants for "due diligence" expenses. These expenses include the land survey, property title search, and recording expenses.

6. Stormwater Management

DCR staff has issued coverage under the General Permit for Stormwater Discharges from Construction Activities to 1,245 projects since July 1, 2006. In addition, DCR staff is moving forward with the EPA and public review and participation requirements for reissuance of the

individual MS4 permits for the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach.

7. Nutrient Management

Nutrient Management practice information on the new Ag BMP Cost-Share Program practices were mailed to 100 certified planners. These were planners that have written plans in the last two years.

DCR staff held one meeting at Evers Restaurant in Mt. Crawford on October 10 to brief planners on new practices. 18 planners attended that meeting. Gary Moore and Mark Holberg covered the practices and the procedures that relate to participating in these practices in great detail. Dave Kindig covered key changes in the regulations and Jay Marshall demonstrated NutMan 3.0 (the updated version of NutMan). Everyone agreed it was a very helpful meeting.

In the Coastal Plain area, some districts had meetings to introduce the new practices and invited some of the private sector planners to those meetings. The planners we have surveyed in this area feel confident they understand the practices. Therefore, at this time we are not planning additional meetings unless we find planners that express a training need that would justify a meeting.

Attachment #3

NRCS WELCOMES INTERIM STATE CONSERVATIONIST

NRCS in Virginia welcomes Don A. Baloun as the Interim State Conservationist. Don comes to us from Wisconsin. He has a wife (Susan) and two daughters, Cassie and Cheri. Don started his career as a Soil Scientist with the Soil Conservation Service in Iowa City, Iowa in 1979. He served in several locations across the state until his transfer to Appleton, Wisconsin in 1988. In Wisconsin, Don has served as an Area Resource Conservationist, Department of Natural Resources/NRCS Liaison, and is currently the Assistant State Conservationist for Programs. He will be the Acting State Conservationist for Virginia until the position is permanently filled which is projected to be in March.

The federal government is currently operating under a continuing resolution passed by Congress funding the majority of the federal government operations through February 15th. Federal agencies are confronted with financial uncertainty as to their final budgets. Until a budget is finalized NRCS will not sign new fund-obligating agreements which include TSPs. Any 2007 earmarks are also on hold.

FARM BILL PROGRAMS

STEWARDSHIP PROGRAM

Conservation Security Program (CSP) – Current activities include making the 2007 payments to participants in existing approved watersheds. Producers were given the option of receiving their FY 2007 payments either in the fall for the 2006 tax year or in January for the 2007 tax year. All payments should be completed by the end of January.

Efforts in the recently approved Great Wicomico-Piankatank watershed for 2007 are contingent on a final federal budget. It does not appear that any new contracts will be approved under the funding contained in the current allocation under the continuing resolution budget.

EASEMENT PROGRAMS

Wetland Reserve Program (WRP) – Efforts are currently underway to complete the appraisals and obtain final commitment from the landowners on three sites enrolled in FY 2006. These need to be completed by April 1. Sign up is open for new sites and the staff is evaluating 4 new sites for participation. Approximately \$740,000 is available for this program for new easements and wetland restoration work on existing easements this fiscal year. The NRCS has adopted a new policy that all WRP agreements will be closed within 18 months of being approved.

Grassland Reserve Program (GRP) – Efforts are underway to close all remaining easement applications by September 1. There is no new sign up planned for this program.

Farm and Ranch Land Protection (FRPP) – Staff is awaiting a national Announcement of Funding for 2007 proposals. Applications will be received and evaluated. Funding for the 2007 programs is approximately \$524,000.

FINANCIAL ASSISTANCE PROGRAMS

Sign up is currently underway for both the **Environmental Quality Incentive Program (EQIP)** and the **Wildlife Habitat Incentive Program (WHIP)** and will close at the end of January. Staff will be evaluating and ranking all applications with a new national on-line ranking tool. All approvals will be made and contracts completed by March 15. Funding for FY 2007 is as follows: EQIP - \$11,660,000; WHIP - \$599,000.

WATERSHED OPERATIONS

Buena Vista – NRCS is providing assistance to the City's contract for the replacement of two undersized bridges. The City's contract will be awarded in April 2007. NRCS is finalizing the channel improvements to go along with the bridge upgrades. The construction of the channel improvements is scheduled to begin in September 2007. NRCS is working on the design of a debris basin for the Indian Gap Run tributary. The design should be completed by July 2007 with construction in the spring of 2008. NRCS plans to hire an Engineering Firm to design the planned Indian Gap Run channel modifications and upgrades for two undersized railroad crossings.

Ararat River Watershed

The Ararat River Watershed flood control project in Patrick County has been closed out by the sponsors and NRCS. Seven flood control dams were constructed in this watershed since 1995. The project sponsors are the Patrick Soil and Water Conservation District and the Patrick County Board of Supervisors.

Land Treatment – NRCS completed implementation of 27 Long Term Contracts with landowners in targeted watersheds in Virginia during 2006. NRCS provided 75% cost share to landowners to install needed conservation measures on their farms. The funds were provided by the Small Watershed Programs under PL-566 and PL-534.

DAM REHABILITATION

South River Site 23 (Robinson Hollow) – A site showing was held on January 17, 2007 for the rehabilitation of South River Site 23 in Augusta County. Construction will begin in March 2007. The project sponsors are Augusta County, the City of Waynesboro and the Headwaters SWCD. Augusta County will utilize a local contract for this project.

South River Site 26 (Inch Branch) – NRCS is nearing completion of the design for Inch Branch. The final design should be completed in February 2007. NRCS has received FY-07 funds to construct this project.

Pohick Creek Site 4 (Royal Lake) – The Chief of NRCS has authorized this dam rehabilitation plan. NRCS received funds to design and rehabilitate this site in Fairfax County. The final design should be completed by June 2007 and the funds obligated by September 2007. The project will be constructed in the fall of 2007 or the spring of 2008.

Pohick Creek Site 3 (Woodglen Lake) and Pohick Creek Site 2 (Lake Barton) – NRCS has initiated planning on these two dam rehabilitation projects in Fairfax County. Public meetings were held in December 2006. Final plans will be completed in FY-07.

WATERSHED PLANNING

North Fork Powell River Watershed – NRCS is developing a watershed plan for this watershed in Lee County. A draft plan will be completed by February 2007 and a final plan by August 2007. The plan will address water quality issues associated with abandoned mines and acid mine drainage. The project sponsors are the Daniel Boone SWCD, Lee County, and the Virginia Department of Mines, Minerals and Energy. NRCS will request implementation funds for FY-08.

Rapid Watershed Assessments -NRCS has signed a cooperative agreement with the Virginia Department of Conservation and Recreation to conduct a Rapid Watershed Assessment (RWA) for the South Fork of the Shenandoah River. The agreement which became effective July 1, 2006 provides nearly \$38,000 in Cooperative Conservation Partnership Initiative funds to collect and analyze data, and to develop a watershed profile. This watershed is a high priority for the state because of the heavy agricultural concentrations and severe fish kills that have occurred over the last few years.

The RWA is being conducted as part of the assessment for planning implementation of the state's tributary strategies. At present, conservation planning is severely hampered by knowledge and data gaps needed to successfully meet reduction goals. The assessment to be completed by December 2007 will help provide needed data and a format for future RWAs.

NRCS did not receive FY-07 planning funds to complete a similar RWA on the North Fork of the Shenandoah River Watershed.

Conservation Innovation Grants (GIG)

The Natural Resources Conservation Service is currently accepting requests for proposals for Conservation Innovation Grants until February 2, 2007. The CIG program is designed to stimulate the development and adoption of innovative conservation approaches and technologies.

CIG rewards the creation of new and innovative approaches to managing the nation's natural resources more effectively and efficiently. It allows applicants to come up with practical solutions to address conservation and resource management on a local, regional, or national scale.

Funds for single or multi-year projects, not-to-exceed three years, will be awarded through a nationwide competitive grants process from all eligible government or non-government organizations or individuals. Projects may be watershed-based, regional, multi-state, or nationwide in scope. Funding for CIG is made available through the Environmental Quality Incentives Program (EQIP). All proposed CIG projects must involve EQIP-eligible producers. The federal contribution for a single project cannot exceed \$1 million. At least 50 percent of the total cost of the project must come from non-federal matching funds.

In 2006, AgFlex, Inc. received a grant to assist farmers in Virginia and 12 other states with improving conservation and Ag economics with water quality credit trading. In 2004, Colonial SWCD received a grant for Innovative Cropping Systems Environmental Credit Program.